

AMENDMENTS TO THE DRAWINGS

The attached 4 sheets of drawings reflect changes to Figs. 1-4. These sheets replace the original sheets of these Figures. In Figs. 1-4, Applicant has been requested to include the phrase “Prior Art” and has complied with the Office Action’s request.

Attachments: 2 Replacement Sheets

2 Annotated Sheets Showing Changes

REMARKS

Applicant respectfully requests consideration of this application in view of the foregoing amendments and the following remarks.

A. Claim Status / Explanation of Amendments

Claims 1-10 are pending in this application of which claims 1-7 are rejected and claims 8-10 are withdrawn from consideration as a result of a previous restriction requirement. Applicants reserve the right to pursue withdrawn claims in a divisional application. As to the merits, claims 5-7 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. [3/20/07 Office Action, p. 3]. Claims 1-4 were rejected pursuant to 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,187,405 to Poplin, et al. ("Poplin"). [3/20/07 Office Action, p. 4].

By this paper, "the period" in claims 5-7 is changed to "a period" to correct antecedent basis. Claims 5 and 6 have been further amended such that "the predetermined value" and "said predetermined value" have been respectively changed to "a predetermined value."

Claim 1 is amended to recite, *inter alia*, "a correction circuit for correlating an image pickup condition of said image pickup unit with an amplitude and period of the flicker detected by said detection circuit". Support for this amendment can be found throughout the application as originally filed including, for example, at p. 14, lns. 10-14 and p. 15, lns. 19-24. No new matter has been introduced by these amendments. Entry is respectfully requested.

B. Rejection of Claims 5-7 under U.S.C. § 112, Second Paragraph

Applicant respectfully traverses the rejection of claims 5-7 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claims 5-7 have been amended and are believed to fully

comply with Section 112. Accordingly, reconsideration and withdrawal of the rejection of claims 5-7 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

C. Claims 1-4 are Patentably Distinct from Poplin

The rejections of claims 1-4 as allegedly being anticipated by Poplin is respectfully traversed. As set forth in detail below, Poplin does not teach, disclose or suggest each and every element of these claims. In particular, Poplin fails to teach an image pickup apparatus which adjusts the imaging conditions to match the amplitude and period of a flicker from an external light source.

Applicant's claim 1, as amended, recites:

“1. An image pickup apparatus comprising:
an image pickup unit for picking up an image of an object;
a detection circuit for detecting a flicker; and
a correction circuit for correlating an image pickup condition of
said image pickup unit with an amplitude and period of the flicker
detected by said detection circuit.”

Poplin is directed to an apparatus which enables automatic discrimination between different flicker frequencies. In one aspect, as shown in Fig. 1 below, Poplin discloses a setup wherein a two-dimensional array (10) of light sensors is connected to a flicker detector (24) which determines the periodicity of the lighting fluctuations (either 50 or 60 Hz). Poplin's apparatus subsequently removes imaging artifacts due the presence of flicker by modifying the light acquisition time through an integration time adjustment mechanism (26). [Poplin, Col. 5, lns. 38-41 and Col. 6, lns. 12-20]. By setting the exposure time to an integer multiple of the period of the AC power waveform, which is either 10 milliseconds at 50 Hz or 8.33 milliseconds at 60 Hz, the integrated light intensity as measured by the two-dimensional array (10) becomes constant and artifacts due to image flicker are removed. [Poplin, Col. 1, lns. 41-47].

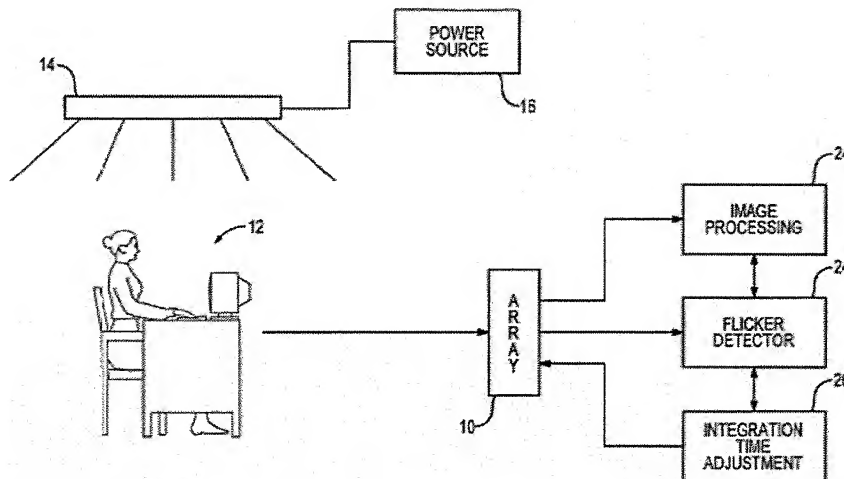


FIG. 1

The Office Action contends that Poplin's two dimensional array (10), flicker detector (24), and integration time adjustment mechanism (26) respectively correspond with Applicant's "image pickup unit," "detection circuit," and "correction circuit" as recited in pending claim 1. [3/20/07 Office Action, p. 4]. However, Poplin discloses a method of flicker correction which involves indiscriminately adjusting *only* the image acquisition time:

... the system includes a flicker detector 24 that is used to determine the periodicity of the lighting fluctuations. Based upon this identification, an integration time adjustment mechanism 26 is controlled to reduce the effects of flicker. For example, the integration time of the sensors 18 may be set as a multiple of 8.33 milliseconds when the lighting system 14 is controlled by a 60 Hz power source 16, but the integration time may be set as a multiple of 10 milliseconds when the power source is a 50 Hz source. [Poplin, Col. 6, lns. 12-20].

Thus, Poplin fails to teach, disclose or suggest an apparatus for correcting flicker artifacts generated in an image by using "a correction circuit for correlating an image pickup condition ... with an amplitude and period of the flicker" as recited in Applicant's amended claim 1. Applicant respectfully submits that independent claim 1 is patentably distinct from Poplin for at

least this reason. Dependent claims 2-7 are also believed to be in condition for allowance for at least similar reasons.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind Poplin, cited by the Office Action, or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

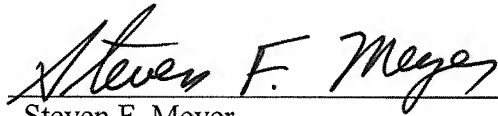
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is earnestly solicited. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5139.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: June 19, 2007

By:


Steven F. Meyer
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8771 Telephone
(212) 415-8701 Facsimile